

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

PAUL BERNARDO and MARK  
KUCERA,

Plaintiffs,

v.

PAUL WATTERWORTH

Defendant.

**Case No. CV-16-59-BL-BMM**

**ORDER**

The case arose from pro se Plaintiffs' purchase of a 1986 Porche 930 Turbo from Defendant, Paul Watterworth, for the amount of \$80,000. (Doc. 5 at 1-2.) Plaintiffs originally filed this case in the Billings Division on May 18, 2016. (Doc. 1.) Plaintiffs allege several counts, including constructive fraud, deceit, breach of the duty of good faith and fair dealing, conversion, unjust enrichment, and fraud. (Doc. 5 at 3-6.) Chief Judge Dana Christensen reassigned the case to the Great Falls Division on June 23, 2016. Mr. Watterworth now moves this Court to change

venue in this case to the Missoula Division. (Doc. 12.) Plaintiffs do not oppose the motion. (Doc. 17.)

Venue is proper in any division of the court containing a county of proper venue under Montana law. Local Rule 3.2(b). Under Montana law, the proper place for all civil actions is the county where the defendant resides. Mont. Code Ann. § 25–2–118(1). The proper venue for a tort action is either where the defendant resides or the county where the tort was committed. Mont. Code Ann. § 25–2–122(1). The proper venue for a breach of contract claim is either where the defendant resides or the county where the contract was to be performed. Mont. Code Ann. § 25–2–121(1). A sales contract is performed where the sale takes place. *Deichl v. Savage*, 216 P.3d 749, 751 (Mont. 2009).

Mr. Watterworth argues that venue would be appropriate in the Missoula Division. (Doc. 13 at 3.) He argues that any alleged tort was committed in Ravalli County, where the Defendant resides. *Id.* Mr. Watterworth stored the car in Ravalli County. *Id.* The Plaintiffs inspected and purchased the car in Ravalli County. *Id.*

IT IS ORDERED that Mr. Watterworth's Motion (Doc. 12) is GRANTED.

This action is TRANSFERRED to the Missoula Division, but will remain before the undersigned. The Preliminary Pretrial Conference set for November 16, 2016 at 2:30 p.m. will remain in Great Falls.

DATED this 6th day of October, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris  
United States District Court Judge